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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/231,415	01/14/1999	DON P. WOLFE	AUTOB.043A	3041
20995 7590 11/05/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER COLBERT, ELLA	
			ART UNIT 3694	PAPER NUMBER
			NOTIFICATION DATE 11/05/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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## Office Action Summary

Application No.

09/231,415

Applicant(s)

WOLFE ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26, 100-114 and 117-132 is/are pending in the application.
- 4a) Of the above claim(s) 117-132 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26 and 100-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/28/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 26 and 100-114 are pending. Claims 26 has been amended and claims 117-132 have been cancelled in this communication filed 7/24/07 entered as Response After Non-Final Action.
2. The IDS filed 3/28/07 has been entered and considered.
3. The 35 USC 112, second paragraph rejection of claim 26 has been overcome by Applicants' amendment to claim 26 and the 35 USC 112, second paragraph rejection is hereby withdrawn for claim 26 and claims 100-114 which depend there from.

#### ***Claim Objections***

4. Claim 26 is objected to because of the following informalities: claim 26 recites "each identify at least one product and buyer data; and". This line should recite "each identify at least one product and buyer data,". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 26, 100, 101, 103, 113, and 114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.  
Claim 26 recites "permit" which is not a positive recitation. Claims 100, 101, 103, and 114 have a similar problem. Claim 114 also has a problem with the usage of

"permitting". Claim 113 recites "substantially" which does not add anything to the claim limitation.

7. ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 26, 100-114, are rejected under 35 U.S.C. 102(b) as being anticipated by "Automotive sites Missing Web Ad Opportunities, hereafter referenced as "Automotive sites".

With respect to claim 26, Automotive sites teaches, a purchase request management system, comprising: A system database comprising: a plurality of purchase requests received from potential buyers and that each identify at least one product and buyer data (page 2, lines 17-20); and a plurality of limited groups of one or more dealers accessible to the buyer and that are designated to have access to purchase requests that identify a product that the dealers sell, wherein each limited group of dealers has substantially fewer dealers than an unlimited group of dealers that includes every dealer accessible to the buyer that sells the product (page 1, lines 11-20); and a buyer-dealer association software module stored on a computer-readable medium and configured to exclusively assign each purchase request received from a potential buyer to the one or more dealers designated by the system database to have access to the purchase request (page 1, line 1-page 2, line 38); and a dealer access software module stored on a computer-readable medium and configured to permit each dealer to access the system database over a computer network using a remote terminal

and to view and manage only those purchase requests assigned to the dealer (page 1, line 21-page 2, line 1 and lines 34-38).

With respect to claim 100, Automotive sites teaches, The purchase request management system of Claim 26, wherein the dealer access module permits each dealer to enter information about at least one of the purchase requests and the entered information is stored in the system database (page 1, lines 21-24).

With respect to claim 101, Automotive sites teaches, The purchase request management system of Claim 100, wherein the dealer access module permits each dealer to assign at least one task related to at least one purchase request to a user associated with the dealer (page 2, lines 17-20).

With respect to claim 102, Automotive site teaches, The purchase request management information about assigned tasks is stored in the system database (page 1, lines 21-24).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 103-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over.

“Automotive sites Missing Web Ad Opportunities, hereafter referenced as “Automotive sites” in view of “Auto-By-Tel Wins With Educated Customers And Low Prices”, herein after.

With respect to claim 103, Automotive site failed to teach, The purchase request management system of Claim 100, wherein the dealer access module permits each dealer to enter a status related to at least one purchase request. Auto-By-Tel teaches, The purchase request management system of Claim 100, wherein the dealer access module permits each dealer to enter a status related to at least one purchase request (page 2, paragraph 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Auto-By-Tel in Automotive sites because such an incorporation would allow Automotive sites to have an information tool rather than a commerce vehicle.

With respect to claim 104, Automotive site teaches, The purchase request management system of Claim 103, wherein information about purchase request status is stored in the system database (page 1, line 22).

With respect to claim 105, Automotive site failed to teach, The purchase request management system of Claim 26, wherein the system database further comprises a plurality of product records, each product record corresponding to at least one product sold by at least one of the dealers and comprising at least a product type and an estimated product price. Auto-by-Tel teaches, wherein the system database further comprises a plurality of product records, each product record corresponding to at least one product sold by at least one of the dealers and comprising at least a product type and an estimated product price (page 3, paragraph 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of auto-by-tel in automotive site because such an incorporation would allow

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automotive site to have a collection of data stored on a computer storage medium that can be used for more than one purpose. For example, the dealers will be able to use the data to determine their inventory and profit margin.

With respect to claim 106, Automotive site failed to teach, The purchase request management system of Claim 105, wherein the system database is configured to be accessible over a computer network to at least one potential buyer using a remote terminal and to provide product information to the potential buyer. Auto-by-Tel teaches, wherein the system database is configured to be accessible over a computer network to at least one potential buyer using a remote terminal and to provide product information to the potential buyer (page 3, paragraph 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Auto-By-Tel in Automotive site because such an incorporation would allow Automotive site to have product information available to a buyer in order to match the buyer's specifications to the merchandise in the database.

11. Claims 107-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Automotive sites Missing Web Ad Opportunities, hereafter referenced as "Automotive sites" in view of "Auto-By-Tel Wins With Educated Customers And Low Prices", herein after and further in view of "Internet Auto Sales Service Can Return To Texas", herein after Internet Auto Sales.

With respect to claim 107, Automotive Sites and Auto-By-Tel failed to teach, wherein the system database further comprises a plurality of predefined sales regions and each purchase request corresponds to at least one of the predefined sales regions

based on at least one geographic designation associated with the buyer data. Internet Auto Sales teaches, wherein the system database further comprises a plurality of predefined sales regions and each purchase request corresponds to at least one of the predefined sales regions based on at least one geographic designation associated with the buyer data (page 1, lines 6-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Internet Auto Sales in Automotive Sites because such an incorporation would allow Automotive Sites to have submission of customer's price request to the dealer assigned to the customer's zip-code area.

With respect to claim 108, Automotive Sites and Auto-By-Tel failed to teach, wherein the buyer-dealer association module is configured to assign each purchase request to only one dealer. Internet Auto Sales teaches, wherein the buyer-dealer association module is configured to assign each purchase request to only one dealer (page 1, lines 6-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Internet Auto Sales in Automotive Sites because such an incorporation would allow Automotive Sites to have submission of customer's price request to the dealer assigned to the customer's zip-code area.

With respect to claim 109, Automotive Sites and Auto-By-Tel failed to teach, wherein the geographic designation associated with the purchase request is derived from contact information of the potential buyer to whom the purchase request corresponds. Internet Auto Sales teaches, wherein the geographic designation



associated with the purchase request is derived from contact information of the potential buyer to whom the purchase request corresponds (page 1, 6-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Internet Auto Sales in Automotive Sites because such an incorporation would allow Automotive Sites to have submission of customer's price request to the dealer assigned to the customer's zip-code area and its distribution to clients of lists of subscriber dealers in the area that sell the particular vehicle.

With respect to claim 110, Automotive Sites and Auto-By-Tel failed to teach, The purchase request management system of Claim 109, wherein the geographic designation associated with the purchase request is derived from the potential buyer's zip code. Internet Auto Sales teaches, wherein the geographic designation associated with the purchase request is derived from the potential buyer's zip code (page 1, lines 6-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the geographic designation associated with the purchase request is derived from the potential buyer's zip code and to modify in Purcell because such a modification would allow Purcell to have customer data that is created and saved that contains the customer's address (an address contains a zipcode) which is basic information for any geographic designation.

With respect to claim 111, Automotive sites teaches, the purchase request management system of Claim 26, wherein the system database further comprises a plurality of exclusive database regions, each exclusive database region being reserved

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for a single dealer and being configured to store only those purchase requests assigned to the single dealer (page 1, lines 3-30).

With respect to claim 112, Automotive sites teaches, the purchase request management system of Claim 111, wherein the buyer-dealer association module is configured to assign each purchase request to one or more dealers by storing a copy of the purchase request in the exclusive database region of each assigned dealer (page 1, line 21-page 2, line 20).

With respect to claim 113, Automotive sites teaches, wherein the dealer access module is configured to permit each dealer to access a purchase request substantially immediately upon a copy of the purchase request being stored in the dealer's exclusive database region (page 1, lines 21-24).

With respect to claim 114, Automotive sites teaches, the purchase request management system dealer access module permits each dealer to access only those purchase requests assigned to the dealer by permitting the dealer to access only the exclusive database region reserved for the dealer (page 1, lines 21-24).

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 26 and 100-114 have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquiries***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.


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The examiner can normally be reached on Monday, Wednesday, and Thursday,  
5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 25, 2007

  
BELLA COLBERT  
PRIMARY EXAMINER